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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,805	10/19/2004	Hugo Johan Cornelissen	NL 020323	4214

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

TRA, TUYEN Q

ART UNIT	PAPER NUMBER
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2873

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/511,805

Applicant(s)

CORNELISSEN ET AL.

Examiner

Tuyen Q. Tra

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Oath/Declaration

1. The declaration filed 10/19/2004 is acceptable.

Drawings

2. The drawings 10/19/2004 in this application are accepted.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Duthaler et al. (U.S. Patent 6,865,010 B2).

- a) With respect to claims 1 and 2, Duthaler et al. discloses a translucent front wall (Figure 25, item 710) and at least one pixel (900A) with an electro-optical medium (Figure 25, item 610A), a scattering medium (figure 25, item 614A) and a switching electrode (figure 25, item 740) associated with the front wall (710), and drive means (not numbered) via which the pixel (900A) can be brought to different optical states, characterized in that the pixel (900A) comprises a low-refractive index material (figure 25, item 720) with a refractive index is 1.22 in range of 1.0 to 1.6 (column 24, lines 16-20).

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- b) With respect to claim 3, Duthaler et al. further discloses in that the low-refractive index material (figure 25, item 720) is selected from the group formed by a fluor-polymer, a low-dielectric inorganic film and a low-dielectric nano-porous film (column 24, lines 26-30).
- c) With respect to claim 4, Duthaler et al. further discloses in that the low-refractive index material (21) is provided between the switching electrode (6) and the electro-optical medium.
- d) With respect to claim 5, Duthaler et al. further discloses in that the low-refractive index material (figure 25, item 720) is provided between the switching electrode (6) and the translucent front wall (figure 25, item 710).
- e) With respect to claim 6, Duthaler et al. further discloses in that the thickness of the switching electrode (figure 25, item 740) is less than or equal to the wavelength of visible light.
- f) With respect to claim 7, Duthaler et al. further discloses in that the electro-optical medium comprises particles (figure 25, item 614) of the low-refractive index material (item 720).
- g) With respect to claim 8, Duthaler et al. further discloses in that the low-refractive index material (item 720) and the electro-optical medium is less than or equal to the wavelength of visible light.
- h) With respect to claim 9, Duthaler et al. further discloses in that the distance between the low-refractive index material (item 720) and the electro-optical medium (item 610A) is less than or equal to 500 nm.

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- k) With respect to claim 10, Duthaler et al. further discloses in that the electro-optical medium (item 720) is an electro-phoretic medium.
- l) With respect to claim 11, Duthaler et al. further discloses in that the electro-optical medium (item 720) and the scattering medium (item 614) are combined as an electro-phoretic medium.
- m) With respect to claim 12, Duthaler et al. further discloses in that the electro-phoretic medium (item 720) is present in a microcapsule (612C).
- n) With respect to claim 13, Duthaler et al. further discloses that with one microcapsule (item 612C) per pixel or with one microcapsule (612C) per sub-pixel.
- o) With respect to claim 14, Duthaler et al. further discloses wherein the electro-optical medium (item 720) is an electro-chromic medium.
- p) With respect to claim 15, Duthaler et al. further discloses wherein the switching electrode (item 740) and the electro-chromic medium (item 610A) are combined.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyen Q. Tra whose telephone number is 571-272-2343. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT

February 13, 2007


RICKY MACK
SUPERVISORY PATENT EXAMINER